

Minutes Formal City Council Meeting September 7, 2006

Minutes of the Formal Council Meeting of Thursday, September 7, 2006, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman

Vice Mayor Hut Hutson

Councilmember P Ben Arredondo

Councilmember Barbara J. Carter

Councilmember Shana Ellis

Councilmember Mark W. Mitchell

Councilmember Onnie Shekerjian

Mayor Hallman called the meeting to order at 7:35 p.m.

1. Councilmember Ellis gave the invocation. Mayor Hallman led a moment of silence in remembrance of Arnold Ruiz, who passed away recently.

2. Mayor Hallman led the audience in the **Pledge of Allegiance**.

3. MINUTES

A. Approval of Council Meeting Minutes

Motion by Councilmember Councilmember Carter to approve the following **COUNCIL MEETING MINUTES**. Second by Vice Mayor Hutson. Motion passed unanimously on a voice vote.

1. Ad-Hoc Towing Committee – June 12, 2006 [20060907ahtc01.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

Motion by Councilmember Carter to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Vice Mayor Hutson. Motion passed unanimously on a voice vote.

2. Aviation Commission – July 20, 2006 [20060907tavco01.pdf](#)

3. Commission on Disability Concerns – January 17, February 21, March 21, April 18, May 16, & June 20, 2006 [20060907cdc01.pdf](#) [20060907cdc02.pdf](#) [20060907cdc03.pdf](#) [20060907cdc04.pdf](#) [20060907cdc05.pdf](#) [20060907cdc06.pdf](#)

4. Community Special Events Task Force – August 15 & August 29, 2006

5. [20060907setf01.pdf](#) [20060907setf02.pdf](#)
Hearing Officer – August 1, 2006 [20060907ho01.pdf](#)
6. Historic Preservation Commission – July 13, 2006 [20060907hpc01.pdf](#)
7. Human Relations Commission – June 13 & 22, 2006 [20060907hrc01.pdf](#)
[20060907hrc02.pdf](#)
8. Mayor's Youth Advisory Commission – May 2, 2006 [20060907myac01.pdf](#)
9. Merit System Board – July 10, 2006
10. Municipal Arts Commission – May 10 & June 14, 2006 [20060907mac01.pdf](#)
[20060907mac02.pdf](#)
11. Neighborhood Advisory Commission – June 24, 2006 [20060907nac01.pdf](#)
12. Rio Salado Advisory Commission – June 27, 2006 [20060907rsac01.pdf](#)
13. Tardeada Advisory Board – July 13, 2006 [20060907tab01.pdf](#)
14. Transportation Commission – May 9 & June 13, 2006 [20060907tc01.pdf](#)
[20060907tc02.pdf](#)
15. Transportation Commission – Accountability/Governance Committee –
February 7, 2006 [20060907tcagc01.pdf](#)
16. Transportation Commission – Bicycle Committee – April 12, 2006
[20060907tcbc01.pdf](#)
17. Transportation Commission – Public Involvement/Marketing Committee -
March 6, 2006 [20060907tcpimc01.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Mayor Hallman recognized nine City employees who have received degrees through the tuition reimbursement program.
- Mayor Hallman announced current board and commission vacancies.

B. Manager's Announcements – None.

5. AGENDA

All items in these minutes identified with an asterisk (*) are **public hearing items**. All items listed on the agenda are approved with one council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA**.

For the record regarding Item #32, Mayor Hallman noted how grateful we are as an entire Council and community to the Salt River Pima Maricopa Indian Community for having supplied the funds to undertake this archeological remediation work. They have been terrific partners and very generous in their support and help to our community.

Motion by Councilmember Arredondo to approve the Agenda as amended (Items #42, #47, #59 and #61 were removed for separate consideration). Second by Councilmember Shekerjian.

Motion passed on a show of hands, 7-0.

A. Miscellaneous Items

18. Approved **Contract #2006-235**, the Community Use of School Facilities Contract Use Agreement and Use Agreement Addendum between the Kyrene School District No. 28 and the City of Tempe for the before school, after school and summer facilities for the Kid Zone Enrichment Program.

DOCUMENT NAME: [20060907csjt01.pdf](#) **COMMUNITY SERVICE ADM (0701-01)**

19. Approved **Contract #2005-115B**, the second addendum to the Newtown/McKerny Development and Disposition agreement.

DOCUMENT NAME: [20060907cdnc01.pdf](#) **COMMUNITY DEVELOPMENT BLOCK GRANT (0207-26)**

20. Approved **with conditions** a subdivision plat for ASH AVENUE CONDOMINIUMS at 1120-1122 South Ash Avenue.

COMMENTS: (Emilio LoCascio/Gemini Development Corporation, applicant; Ronald A. Davidoff, property owner) (PL060431) located at 1120-1122 South Ash Avenue in the R-3R, Multi-Family Residential Restricted District, including: **SBD06007** for a Condominium Plat consisting of nine (9) dwelling units on 0.82 net acres.

The following conditions were approved:

1. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
 - a. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains
 - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
 - b. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees,
 - (2) Water and/or sewer participation charges,
 - (3) Inspection and testing fees.
 - c. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
 - d. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
 - e. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe – Section 25.120.
2. The Condominium Plat for Ash Avenue Condominiums shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before September**

7, 2007. Failure to record the plan within one year of Council approval shall make the plan null and void.

3. The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&Rs shall be in a form satisfactory to the Development Services Director and City Attorney and recorded with the Maricopa County Recorder's Office prior to issuance of Certificate of Occupancy.

DOCUMENT NAME: [20060907dskko01.pdf](#) **PLANNED DEVELOPMENT
(0406)**

21. Approved **with conditions** a condominium plat for RIVERSIDE OFFICE PLAZA at 1095 West Rio Salado Parkway.

COMMENTS: (HOF-Biltmore Rio Salado I, LLC, property owner, LGE Corporation, Lanell Bemis, developer) (PL060444) located at 1095 West Rio Salado Parkway in the GID, General Industrial District, including:

SBD06008 for a Condominium Plat consisting of twenty-four (24) condo units enclosed within two shell buildings currently under construction. The shell buildings are each approximately 33,863 s.f. in area. The entire project is a total of approximately 67,726 s.f. of shell area, including commercial/office space. The site of these office buildings is approximately 4.86 net acres in area.

The following conditions were approved:

1. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
 - a. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains
 - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
 - b. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees,
 - (2) Water and/or sewer participation charges,
 - (3) Inspection and testing fees.
 - c. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
 - d. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
 - e. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe – Section 25.120.
2. The Condominium Plat for Riverside Office Plaza shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before September 7, 2007**. Failure to record the plan within one year of Council approval shall make the plan null and void.
3. The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&Rs shall be in a form satisfactory to the Development Services Director and City Attorney and recorded with the Maricopa County Recorder's Office prior to issuance of Certificate of

Occupancy.

DOCUMENT NAME: [20060907dskko02.pdf](#) **PLANNED DEVELOPMENT**
(0406)

22. Approved **with conditions** a Final Subdivision Plat for EL ADOBE CONDOMINIUMS at 1005 East 8th Street.

COMMENTS: (CWH Real Estate Investments, LLC, property owner, Sender Associates, Darin Sender, applicant) (PL060414) located at 1005 E. 8th Street, in the R-4, Multi-Family Residential General District, including:

SBD-2006.66 An amended Subdivision Plat for one (1) lot on 2.17 net acres.

SHR-2006.67 A Condominium Plat, consisting of 48 units, on 2.17 net acres.

The following conditions were approved:

1. The Amended Subdivision Plat for El Adobe Condominiums shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before September 7, 2007**. Failure to record the plan within one year of Council approval shall make the plan null and void.
2. The Condominium Plat for El Adobe Condominiums shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department prior to issuance of any occupancy permits.
3. The owner(s) shall provide continuing care conditions, covenants, and restrictions (CC&Rs) for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&Rs shall be reviewed and in a form satisfactory to the Development Services Manager and City Attorney, prior to recordation of Condominium Plat.
4. Any exterior modifications, including repaint, will require submittal of a Development Plan Review, as a separate application.
5. Prior to recordation of the condominium plat, the applicant shall provide documentation that SRP is in agreement with the new Home Owner's Association taking over the license agreement to use SRP land adjacent to the southern boundary of the plat.
6. The applicant shall submit to staff the draft CC&R language pertaining to the specifics on how the Home Owner's Association will work with SRP. The final CC&Rs shall also include notice to the buyer/homeowner that a portion of the El Adobe site is owned by SRP, a license agreement must be signed, maintained to the conditions set forth by SRP, and continuously active, in order to have access to the 48 parking spaces located on the SRP property.

DOCUMENT NAME: [20060907dsqk01.pdf](#) **PLANNED DEVELOPMENT**
(0406)

23. Approved **with conditions** a Subdivision and Condominium Plat for CORSICAN CONDOMINIUMS at 1312 South Hardy Drive.

COMMENTS: (Fred DeVera/Corsican Condomium, applicant/property owner) (PL060468) located at 1312 South Hardy Drive, in the R3, Multi-Family Residential Limited District, including the following:

SBD06006 Subdivision for 1 lot on 1.32 acres, and a Condominium Plat for 30 units.

The following conditions were approved:

1. The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&Rs shall be reviewed and in a form satisfactory to the Development Services Director and

City Attorney prior to recordation of the Condominium Plat.

2. The Condominium Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before September 7, 2007**. Failure to record the plan within one year of City Council approval shall make the plan null and void.

DOCUMENT NAME: [20060907dsrl05.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

24. Approved a subdivision plat for the GERDES RESIDENCE at 8404 South Kachina Drive.

COMMENTS: (Michael and Diane Gerdes, property owners/applicant) (CC050114) located at 8404 South Kachina Drive in the R1-7, Single-Family Residential District, including:

SBD-2005.126 An Amended Subdivision Plat, consisting of one existing lot into two on 1.40 acres.

DOCUMENT NAME: [20060907dsrl04.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

25. Approved **with conditions** a Condominium Plat for DORSEY PLACE CONDOMINIUMS at 1275 East University Drive.

COMMENTS: (Bannister Development, William Bannister applicant/owner), (PL060423) located at 1275 East University Drive, in the MU-4, Mixed-Use, High Density District, including:

SBD06003 A Condominium Plat for ninety (90) residential units and one (1) commercial/office unit space on 1.95 net acres.

The following conditions were approved:

1. The Condominium Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before September 7, 2007**. Failure to record the plan within one year of City Council approval shall make the plan null and void.
2. Any modification to the condominium plat will require the owner/developer to process an amended condominium plat through the Development Services Department for approval by the City Council.

DOCUMENT NAME: [20060907dsd2k03.pdf](#) **PLANNED** **DEVELOPMENT**
(0406)

- *26. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Chipotle Mexican Grill, Inc., dba Chipotle Mexican Grill, #0744, 2000 E. Rio Salado Parkway, C-6.

COMMENTS: H.J. Lewkowitz, Agent

DOCUMENT NAME: [20060907LIQ1.pdf](#) **LIQ LIC (0210-02)**

- *27. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Ruiz Brothers Restaurant Group, LLC, dba Frijolitos Mexican Grill & Cantina,

1639 E. Apache Boulevard.

COMMENTS: Roberto Ruiz, Agent

DOCUMENT NAME: [20060907LIQ2.pdf](#) LIQ LIC (0210-02)

- *28. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for La Pita on Mill, Inc., dba La Pita Bar & Grill, 505 S. Mill Avenue.

COMMENTS: Jeff Accra, Agent

DOCUMENT NAME: [20060907LIQ3.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

29. Approved **Contract #2004-34B**, an addendum to a professional services contract with CMX, LLC, for the Kyrene Reclamation Facility Reliability Upgrades project.

COMMENTS: Subject to the execution of the final written addendum for an amount not to exceed \$24,980.

DOCUMENT NAME: [20060907PWTG01.pdf](#) WATER RECLAMATION PLANT (0812-02) PROJECT NO. 32-996995

30. Approved **Contract #2006-225**, a professional services contract with Kirkham Michael for the Well No. 9 – Building, Security and Site Improvements Project.

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$129,219.

DOCUMENT NAME: [20060907PWTG04.pdf](#) WELLS – CONSTRUCTION/MAINTENANCE (0811-01) PROJECT NO. 3202601

31. Awarded **Contract #2006-226**, a one-year, sole source contract to Public Safety Systems Incorporated (PSSI) for annual software system support.

COMMENTS: Subject to execution of final written contract. Total cost not to exceed \$46,900.

DOCUMENT NAME: [20060907fsdl03.pdf](#) PURCHASES (1004-01) (Sole Source #07-071)

32. Awarded **Contract #2006-227**, a 21-month, limited source contract to Archaeological Consulting Services, Ltd., for data recovery services for the Hayden Flour Mill Archaeological Project.

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$896,000 during the contract period.

DOCUMENT NAME: [20060907fsdl09.pdf](#) PURCHASES (1004-01) Limited Source #07-054

33. Awarded **Contract #2006-228**, a one-year, sole source contract to L.N. Curtis for Hurst and Paratech rescue equipment.

COMMENTS: Subject to execution of final written contract. Total cost for this

contract shall not exceed \$195,000 during the contract period.

DOCUMENT NAME: [20060907fsdl14.pdf](#) **PURCHASES (1004-01)** Sole Source #07-070

34. Awarded **Contract #2006-229**, a one-year contract with two (2) one-year renewal options to West Coast Turf for sod.

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$115,000 during the initial contract period.

DOCUMENT NAME: [20060907fsdl13.pdf](#) **PURCHASES (1004-01)** IFB#07-039

35. Awarded **Contract #2006-230**, a one-year contract with four (4) one-year renewal options to Hewlett Packard Company for business continuity and recovery services.

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$55,000 during the initial contract period.

DOCUMENT NAME: [20060907fsdl16.pdf](#) **PURCHASES (1004-01)** RFP #06-122

36. Awarded **Contract #2006-231**, one-year contracts with two (2) one-year renewal options to American Safety Shoe Company, Industrial Shoes of Arizona, Iron Age Corporation, Paul's Ace Hardware, Inc., and Red Wing Shoe Store, Inc., for safety shoes.

COMMENTS: Subject to execution of final written contracts. Total cost for these contracts shall not exceed \$100,000 during the initial contract period.

DOCUMENT NAME: [20060907fsts12.pdf](#) **PURCHASES (1004-01)** IFB #07-027

37. Awarded **Contract #2006-232**, a one-year contract with two (2) one-year renewal options to U.S. Standard Sign Company for traffic sign blanks.

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$50,000 during the initial contract period.

DOCUMENT NAME: [20060907fsws08.pdf](#) **PURCHASES (1004-01)** IFB #07-033

38. Awarded **Contract #2006-233**, a one-year contract with four (4) one-year renewal options to OptaSoft for commercial building plan review software.

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$91,000 during the initial contract period.

DOCUMENT NAME: [20060907fsws15.pdf](#) **PURCHASES (1004-01)** RFP #06-186

39. Approved a two-month emergency procurement of powdered activated carbon (PAC) from Norit Americas, Inc., for the Water Utilities Department.

COMMENTS: Total cost for this contract shall not exceed \$500,000.
DOCUMENT NAME: [20060907fst17.pdf](#) **PURCHASES (1004-01)** 07-075

40. Approved a one-year contract renewal with Great West Life/Benefits Corporation for deferred compensation administration services.

COMMENTS: Total amount not to exceed \$60,000.
DOCUMENT NAME: [20060907fsdl01.pdf](#) **PURCHASES (1004-01)** T00-001-01

41. Approved a one-year contract renewal with West Coast Equipment, Inc., for street sweeper brooms.

COMMENTS: Total amount not to exceed \$100,000.
DOCUMENT NAME: [20060907fsdl04.pdf](#) **PURCHASES (1004-01)** T06-010RB-01

42. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Approved a one-year contract renewal with Tempe Family YMCA for child care services at the Westside Multigenerational Facility.

Councilmember Mitchell declared a conflict of interest.

Motion by Councilmember Shekerjian to approve Item #42. Second by Councilmember Carter. Motion passed on a show of hands, 6-0, with Councilmember Mitchell abstaining.

DOCUMENT NAME: [20060907fsdl06.pdf](#) **PURCHASES (1004-01)** T06-117-01

43. Approved one-year contract renewals with UAP Distribution, Inc., and Pennington Seed, Inc., for grass seed.

COMMENTS: Total amount shall not exceed \$120,000.
DOCUMENT NAME: [20060907fsdl07.pdf](#) **PURCHASES (1004-01)** T03-002-01 & 03-002-02

44. Approved a one-year contract renewal with Metron Farnier, LLC, for residential and industrial water meters.

COMMENTS: Total amount shall not exceed \$1,020,708.
DOCUMENT NAME: [20060907fst10.pdf](#) **PURCHASES (1004-01)** T05-017-01

45. Approved a one-year contract renewal with Hughes Supply, Inc., for leak detection services.

COMMENTS: Total amount shall not exceed \$39,000.
DOCUMENT NAME: [20060907fst11.pdf](#) **PURCHASES (1004-01)** T04-

032-01

46. Approved the utilization of a one-year State of Arizona contract with Executive Training Solutions for computer training services for city employees.

COMMENTS: Total cost of this contract shall not exceed \$45,000 during the initial contract period.

DOCUMENT NAME: [20060907fsdl02.pdf](#) PURCHASES (1004-01)
Contract #EPS060041-8

47. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Approved the utilization of a six-month State of Arizona contract with Law Enforcement Systems, LLC, for a mobile license plate system.

COMMENTS: Total cost of this contract shall not exceed \$60,000 during the initial contract period.

Vice Mayor Hutson asked Police Chief Ralph Tranter to explain the mobile license plate system.

Police Chief Tranter summarized that this system is able to scan hundreds of license plates over a short period and is used as an auto theft deterrent by comparing license plates to a database of stolen vehicles.

Motion by Vice Mayor Hutson to approve Item #47. Second by Councilmember Mitchell. Motion passed on a show of hands, 7-0.

DOCUMENT NAME: [20060907fsdl05.pdf](#) PURCHASES (1004-01)
Contract #EPS060102-1

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *48. Introduced and held the **first public hearing** for an ordinance to amend Chapter 2, Article VI of the Tempe City Code, relating to Employer, Employee Relations Meeting and Conferring by amending Sections 2-400 and 2-401. **The second public hearing is set for September 21, 2006.**

DOCUMENT NAME: [20060907cacc01.pdf](#) TCC CH2 – CITY CODE
ADMINISTRATION (0502-02) ORDINANCE NO. 2006.76

- *49. Introduced and held the **first public hearing** to adopt an ordinance granting a license agreement allowing construction staging for the rehabilitation of the Val Vista Water Main (a City of Phoenix project). **The second public hearing is scheduled for September 21, 2006.**

DOCUMENT NAME: [20060907PWMG05.pdf](#) REAL PROPERTY
MANGEMENT (0900) ORDINANCE NO. 2006.78.

- *50. Introduced and held the **first public hearing** to adopt an ordinance granting an easement to Salt River Project to install and maintain the facilities to provide electrical service to the Police Substation at 1855 E. Apache Boulevard. **The second public hearing is scheduled for September 21, 2006.**
DOCUMENT NAME: [20060907PWVG06.pdf](#) **GRANT OF EASEMENTS (0904-02) ORDINANCE NO. 2006.79.**

D. Ordinances and Items for Second Hearing/Final Adoption

- *51. Held the **second** public hearing and approved ORDINANCE NO. 2006.48 amending Chapter 19 of the Tempe City Code relating to Motor Vehicles and Traffic by amending Section 19-45 relating to Special Permits for Overweight and Overheight vehicles.
DOCUMENT NAME: [20060907pwss01.pdf](#) **MOTOR VEHICLES & TRAFFIC (0503-19)**
- *52. Held the **second** public hearing and approved ORDINANCE NO. 2006.71 granting an easement to Salt River Project to allow for the installation of new underground electrical lines located on city-owned land at 1401 S. McClintock Drive.
DOCUMENT NAME: [20060907PWVG02.pdf](#) **EASEMENTS (0904-02)**
- *53. Held the **second** public hearing and approved **with conditions** a Zoning Map Amendment and a Planned Area Development Overlay for MILLER-CURRY TOWNHOMES at 1245 North Miller Road.
COMMENTS: (Mark Richmond, property owner / DeLorme & Associates, applicant) (PL060398) for the development of eleven (11) new townhome units and one (1) live-work unit, including approximately 2,300 s.f. of commercial space on 1.12 acres, located at 1245 North Miller Road in the GID, General Industrial District, including the following request(s):
ZON06002 – (Ordinance No. 2006.58) Zoning Map Amendment from GID, General Industrial District to MU-2, Mixed-Use, Medium Density District.
PAD06001 – Planned Area Development Overlay for 13,800 s.f. of building area, including townhome units and commercial space.
The following conditions were approved:
1. A building permit shall be obtained and substantial construction commenced within two (2) years of the date of City Council approval or the zoning shall revert to that in place at the time of application, subject to a public hearing.
2. The Planned Area Development Overlay shall be put into proper engineering format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
3. A Subdivision Plat is required for the consolidation of multiple lots and the development of townhomes. The plat shall be recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department prior to issuance of building permits.
DOCUMENT NAME: [20060907dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *54. Held the **second** public hearing and approved **with conditions** a Zoning Map Amendment and a Planned Area Development Overlay for CAMPUS EDGE CONDOMINIUMS at 922 East Apache Boulevard.

COMMENTS: (Nelson Companies 2, LLC, property owner; Michael Derkenne, Nelson Phoenix LLC, applicant) (PL060088) for the development of a mixed-use building, consisting of one hundred (100) dwelling units, 4,928 s.f. of commercial area, and 80,619 s.f. of parking garage on 1.52 acres, located at 922 East Apache Boulevard in the CSS, Commercial Shopping and Service District, including the following request(s):

ZON06003 – (Ordinance No. 2006.59) Zoning Map Amendment from CSS, Commercial Shopping and Service District to MU-4, Mixed-Use, High Density District and (TOD) Transportation Overlay District.

PAD06004 – Planned Area Development Overlay for approximately 247,500 s.f. of building area, including condominium units and commercial space.

The following conditions were approved:

1. A building permit shall be obtained and substantial construction commenced within two (2) years of the date of City Council approval or the zoning shall revert to that in place at the time of application, subject to a public hearing.
2. The Planned Area Development Overlay shall be put into proper engineering format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
3. A Condominium Plat is required for this site and shall be recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department prior to issuance of a Certificate of Occupancy.

DOCUMENT NAME: [20060907dsrl01.pdf](#)

PLANNED

DEVELOPMENT

(0406)

- *55. Held the **second** public hearing and approved **with conditions** a Planned Area Development Overlay and a Subdivision Plat for ROOSEVELT COURT located at 323 South Roosevelt Street.

COMMENTS: (Chan Sahota, property owner) (CC050119) for a Planned Area Development Overlay and a Subdivision Plat for ten (10) townhomes, located at 323 South Roosevelt Street, including the following:

#SPD-2006.01 Ord. No. 2006.05 for a Planned Area Development Overlay on R-3, Multi-Family Residential Limited, for ten (10) new townhomes consisting of approximately 25,552 square feet of building area on .54 net acres.

#SBD-2006.02 for a Subdivision Plat consisting of ten (10) lots and one (1) tract on .54 net acres.

The following conditions were approved:

1. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
 - a. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants

- (2) Sewer lines
- (3) Storm drains
- (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
- b. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees,
 - (2) Water and/or sewer participation charges,
 - (3) Inspection and testing fees.
- c. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
- d. All street dedications shall be made within six (6) months of Council approval.
- e. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
- f. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe – Section 25.120.
2. The developer/owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&Rs shall be in a form satisfactory to the Development Services Director and City Attorney.
3. A building permit shall be obtained and substantial construction commenced **on or before September 7, 2008**, or the zoning shall revert to that in place at the time of application, subject to a public hearing..
4. The applicant shall comply with all applicable state and federal laws regarding archeological artifacts on this site.
5. The Subdivision Plat shall be recorded prior to the issuance of permits and shall be put into proper engineering format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before September 7, 2007**. Failure to record the plan within one year of Council approval shall make the plan null and void.
6. The Planned Area Development Overlay for Roosevelt Court shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.

DOCUMENT NAME: [20060907dsd2k01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *56. Held the **second** public hearing and approved **with conditions** a Zoning Map Amendment for SOUTH MOUNTAIN COMMERCE CENTER at 2420 West Baseline Road.

COMMENTS: (Adrian Evarkiou, Orsett / South Mountain LLC, property owner/applicant) (PL060391) for compliance with the City Council condition of approval #20 (November 1, 2001), located at 2420 West Baseline Road, in the GID, General Industrial District, including the following request:

ZON06001 – (Ordinance No. 2006.67) Zoning Map Amendment for 8.83 net acres from GID, General Industrial District to LID, Light Industrial District.

The following conditions were approved:

1. All previous conditions of approval apply. (CC010060 / SPD-2001.62)

DOCUMENT NAME: [20060907dsd2kk02.pdf](#) **PLANNED DEVELOPMENT (0406)**

E. Resolutions

57. Approved RESOLUTION NO. 2006.66 authorizing the Mayor to execute **Contract #2006-234**, the Terrorism Liaison Officer Program intergovernmental agreement with the Arizona Counter-Terrorism Intelligence Center.
DOCUMENT NAME: [20060907pdsmr01.pdf](#) POLICE DEPARTMENT ADMINISTRATION (0606-02)
58. Approved RESOLUTION NO. 2006.68 authorizing the submission of City of Tempe applications for Gila River Indian Community State Shared Revenue Grant Funds.
DOCUMENT NAME: [20060907graw01.pdf](#) GILA RIVER INDIAN COMMUNITY (0109-32)
59. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Approved RESOLUTION NO. 2006.69 authorizing Tempe Community Council's Tempe/Kyrene Communities In Schools to apply for funds from the Gila River Indian Community.

Councilmember Ellis declared a conflict of interest.

Motion by Councilmember Mitchell to approve Item #59. Second by Vice Mayor Hutson. Motion passed on a show of hands, 6-0, with Councilmember Ellis abstaining.

- DOCUMENT NAME: [20060907graw02.pdf](#) GILA RIVER INDIAN COMMUNITY (0109-32)
60. Approved RESOLUTION NO. 2006.70 authorizing the Center for Habilitation to apply for funds from the Gila River Indian Community.
DOCUMENT NAME: [20060907graw03.pdf](#) GILA RIVER INDIAN COMMUNITY (0109-32)
61. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Approved RESOLUTION NO. 2006.71 authorizing Tempe Family YMCA to apply for funds from the Gila River Indian Community.

Councilmember Mitchell declared a conflict of interest.

Motion by Vice Mayor Hutson to approve Item #61. Second by Councilmember Ellis. Motion passed on a show of hands, 6-0, with Councilmember Mitchell abstaining.

- DOCUMENT NAME: [20060907graw04.pdf](#) GILA RIVER INDIAN COMMUNITY (0109-32)
62. Approved RESOLUTION NO. 2006.72 authorizing Newtown Community Development

Corporation (and Land Trust) to apply for funds from the Gila River Indian Community.

DOCUMENT NAME: [20060907graw05.pdf](#) GILA RIVER INDIAN COMMUNITY
(0109-32)

63. Approved RESOLUTION NO. 2006.73 authorizing Tumbleweed Center for Youth Development to apply for funds from the Gila River Indian Community.

DOCUMENT NAME: [20060907graw06.pdf](#) GILA RIVER INDIAN COMMUNITY
(0109-32)

64. Approved RESOLUTION NO. 2006.74 authorizing Boys & Girls Clubs of the East Valley to apply for funds from the Gila River Indian Community.

DOCUMENT NAME: [20060907graw07.pdf](#) GILA RIVER INDIAN COMMUNITY
(0109-32)

6. PUBLIC APPEARANCES

There were no public appearances.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Shekerjian commended Council on its recent Summit and noted that she is grateful for such a positive process.
- Councilmember Ellis congratulated Mel Kessler and Gail Fisher who were named the 2007 Don Carlos Humanitarian Award recipients. There will be a reception on November 1st at the Arizona Historical Museum. To be on the mailing list to receive an invitation, please call 858-2300.
- Councilmember Mitchell congratulated Chanel 11, Skip Neeley and his staff, and Shelley Hearn, who won a national programming award.
- Councilmember Arredondo asked the City Manager to relay his thanks to the Fire Chief and his staff for their response during a recent storm. The citizens are very appreciative of their hard work.
- Mayor Hallman announced that this Friday, Saturday and Sunday the "Healing Field" event will be held at Tempe Beach Park. This is an outstanding event. He also announced that City Attorney Marlene Pontrelli will be leaving her position and thanked her for her ten years of outstanding service to the City.

Meeting adjourned at 8:10 p.m.

I, Kathy L. Matz, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Formal City Council meeting of September 7, 2006, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Kathy L. Matz, City Clerk

Dated this _____ day of _____, 2006.